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Attorneys for Defendant Google LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO,
individually and on behalf of all similarly
situated,

Plaintiffs,

v.

GOOGLE LLC,
Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**GOOGLE LLC'S ADMINISTRATIVE
MOTION TO ENLARGE TIME TO FILE
ANSWER TO SECOND AMENDED
COMPLAINT (DKT. 136-1)**

Judge: Hon. Lucy H. Koh

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rule 6-3, Defendant Google LLC (“Google”) respectfully requests a 10-day extension to file its Answer to Plaintiffs’ Second Amended Complaint (the “Complaint”) (Dkt. 136-1). The Court issued its Order denying Google’s Motion to Dismiss on December 22, 2021 (the “Order”) (Dkt. 363), thereby making the Answer to the 284-paragraph Complaint due January 5, 2022. Because that Order came down immediately prior to the year-end holidays, Google’s in-house and outside counsel’s availability to prepare the Answer has been limited. Google therefore respectfully requests a modest extension of the deadline, to January 15, 2022. The parties have met and conferred, and Plaintiffs oppose Google’s request.

II. STATEMENT OF RELEVANT FACTS

The relevant facts are set forth in the Declaration of Jonathan Tse accompanying this Motion (“Tse Declaration” or “Tse Decl.”).

III. LEGAL STANDARD

Local Rule 6-3 provides that in support of a Motion to Change Time, the moving party must: (1) set forth with particularity the reasons for the requested enlargement of time; (2) describe efforts to obtain a stipulation to the time change; (3) identify the substantial harm or prejudice that would occur if the Court did not change the time; (4) disclose all previous time modifications in the case; and (5) describe the effect of the requested time modification on the schedule for the case. Google sets forth with particularity the reasons for the requested extension of time and the harm that will occur if the request is not granted below--*see infra*, Section IV. Google’s efforts to obtain a stipulation to the requested time change are described in the Tse Declaration and were unsuccessful. *See* Tse Decl. ¶ 8, 9. The Tse Declaration further discloses all previous time modifications in this case and explains that the requested 10-day extension will not affect the schedule in this case. *Id.* ¶¶ 11, 12.

IV. REASONS FOR THE ENLARGEMENT OF TIME AND HARM THAT WILL OCCUR

“When an act may or must be done within a specified time, the court may, for good cause, extend the time ... with or without motion or notice if the court acts, or if a request is made, before the

1 original time or its extension expires.” Fed. R. Civ. P. 6(b)(1)(A). Where good cause is shown, a
2 request for an extension generally should be granted in the absence of bad faith by the moving party or
3 prejudice to the adverse party. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir.
4 2010). “Good cause” is a non-rigorous standard that has been construed broadly across procedural and
5 statutory contexts. *Id.* at 1259.

6
7 Because the Order was issued immediately before the holidays, Google’s counsel has had
8 limited opportunity to prepare an Answer to the extensive Complaint, much less verify an Answer
9 while many of Google’s employees have pre-scheduled time off work for the holidays. *See* Tse Decl.
10 ¶ 7. As a result, Google faces difficulty in meeting the January 5, 2022 deadline to file its Answer. If
11 the deadline is not extended, Google will therefore be harmed. This is sufficient to meet the “non-
12 rigorous” good cause standard for a timely filed motion to enlarge the time to file. *Ahanchian*, 624
13 F.3d at 1258-59 (reversing denial of motion to extend time as abuse of discretion where moving party
14 and its counsel were “out of town over Labor Day weekend”).

15
16 Google diligently requested a stipulation for an extension to file the Answer. *See* Tse Decl. ¶
17 8. On December 31, 2021, Plaintiffs stated they would not agree to Google’s request or to a further
18 meet and confer. *Id.* ¶ 9. Plaintiffs did not articulate any prejudice they would face should Google
19 obtain additional time to file its Answer. *Id.* ¶ 10. Indeed, the record is devoid of any indication
20 either that an extension of time would prejudice Plaintiffs or that Google’s counsel acted in bad faith
21 in making this request. To the contrary, Google’s request for a 10-day extension is timely, modest, and
22 will not affect the schedule in this case. *See id.* ¶ 12.

23 24 CONCLUSION

25 For the foregoing reasons, the Court should grant Google’s Motion to Enlarge the Time to File
26 its Answer to the Complaint.

1 DATED: December 31, 2021

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